

DAVID P. JOHNSON (USB No. 13260)  
BRITTANY FRANSEN (USB No. 16051)

[djohnson@wnlaw.com](mailto:djohnson@wnlaw.com)

[bfrandsen@wnlaw.com](mailto:bfrandsen@wnlaw.com)

WORKMAN | NYDEGGER

60 East South Temple

Salt Lake City, Utah 84111

Telephone: (801) 533-9800

Facsimile: (801) 328-1707

Attorney for Plaintiff

FIT FOUR, LLC

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

---

FIT FOUR, LLC, a Utah limited liability	)	
company,	)	
	)	Civil Action No. 1:18-cv-00107-PMW
	)	
Plaintiff,	)	
	)	
v.	)	<b>COMPLAINT</b>
	)	
ZENCOM GLOBAL SRL, D/B/A	)	
MAVA	)	
	)	
Defendant.	)	Honorable Magistrate Judge
	)	Paul M. Warner
	)	
	)	

---

Plaintiff Fit Four, LLC complains and alleges against Defendant Zencom Global SRL,  
d/b/a Mava as follows:

**THE PARTIES**

1. Plaintiff Fit Four, LLC (hereinafter “Fit Four” or “Plaintiff”) is a Utah limited liability company with a principal place of business at 1065 South 500 West # 3, Bountiful, Utah, 84010.

2. On information and belief, Defendant Zencom Global SRL, d/b/a Mava (hereinafter “Mava” or “Defendant”) is a Societate cu răspundere limitată organized and existing

under the laws of Romania with a principal place of business located at Street Panselutelor Nr. 28 A, Deva, Romania, 330160.

### **JURISDICTION AND VENUE**

3. This is a civil action (the “Action”) for declaratory judgment of infringement of U.S. Pat. No. 9,067,123 (“the ’123 patent”) under the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and the patent laws of the United States, 35 U.S.C. § 101 et seq.

4. Subject matter jurisdiction of this Court over this Action is founded upon 28 U.S.C. §§ 1331, 1332 and 1338(a) and (b), as well as 28 U.S.C. §§ 2201–2202.

5. On information and belief, Mava has offered goods and services within the State of Utah that infringe one or more claims of the ’123 patent. These actions by Mava have resulted in injury to Fit Four and relate to, and in part give rise to, the claims asserted herein by Fit Four.

6. This Court’s exercise of personal jurisdiction over Mava is consistent with the Constitutions of the United States, the State of Utah, and the Utah Long Arm Statute, Utah Code Ann. § 78B-3-205, as (i) Mava’s conduct directly affects Fit Four, which resides in Utah, (ii) Mava has purposely availed itself of the privilege of conducting business in this State and in this judicial district, and (iii) Mava sells its products in Utah.

7. Venue is proper in this district under at least 28 U.S.C. § 1391(c)(3) because Mava is subject to personal jurisdiction in this district, has conducted business in this district, or because a substantial part of the events or omissions giving rise to the claims herein occurred in this district.

### **BACKGROUND AND FACTUAL ALLEGATIONS**

8. Fit Four is a leading designer, manufacturer, and retailer of workout gloves for fitness enthusiasts and athletes. In particular, Fit Four designs and markets innovative four-fingered gloves aimed to protect athletes’ hands without hindering their workout.

9. Fit Four has expended significant resources to protect its intellectual property, and has obtained various patents in connection therewith. One of these patents, which Fit Four owns

by assignment, is the '123 patent, which is directed to a workout glove having a wrist wrap. A copy of the '123 patent is attached hereto as Exhibit A.

10. Mava is a Romanian company that sells fitness gear and apparel, including workout gloves, through websites such as Amazon.com and Mavasports.com.

11. Upon information and belief, Mava is manufacturing, using, importing, offering to sell, and/or selling workout gloves in the United States that infringe one or more claims of the '123 patent. In particular, Mava's "Mava Pro Gloves" and "Mava Ultimate Workout Gloves" ("the Accused Products") infringe at least claims 1–10, 12–15, and 17–20 of the '123 patent, as shown in the claim charts attached as Exhibit B and Exhibit C, respectively.

12. On December 14, 2017, Fit Four, through its counsel, sent a letter to Mava informing it of the '123 patent and that the Accused Products infringe claims 1–10, 12–15, and 17–20 of the '123 patent. A copy of that letter is attached hereto as Exhibit D.

13. Based on Fit Four's allegations of infringement of the '123 patent by Mava, an actual controversy has arisen and now exists between the parties as to whether Mava infringes or has infringed the '123 patent.

### **COUNT I**

#### **(Declaratory Judgment of Infringement of U.S. Patent No. 9,067,123)**

14. Fit Four refers to and incorporates herein by reference each of the foregoing paragraphs of this Complaint.

15. There is a present actual and justiciable case or controversy between Fit Four and Mava regarding infringement of the '123 patent.

16. Mava, by the acts complained herein, and by making, using, selling, offering for sale, and/or importing into the United States products, including at least the Accused Products, that embody the invention claimed in the '123 patent, has in the past, does now, and continues to directly infringe, contributorily infringe and/or induce others to infringe the claims of the '123 patent literally and/or under the doctrine of equivalents, in violation of 35 U.S.C. § 271.

17. By reason of the foregoing, and pursuant to 28 U.S.C. §§ 2201 and 2202, Fit Four requests a declaration that Mava's actions directly infringe, contributorily infringe and/or induce others to infringe the claims of the '123 patent.

**PRAYER FOR RELIEF**

WHEREFORE, Fit Four demands for a judgment in its favor and prays the Court to enter an order finding that Mava has directly infringed, contributorily infringed, or induced others to infringe claims 1–10, 12–15, and 17–20 of the '123 patent.

Respectfully submitted,

WORKMAN NYDEGGER

Dated: August 30, 2018

By: /s/David P. Johnson  
David P. Johnson (#13260)  
Brittany Frandsen (#16051)  
60 East South Temple, Suite 1000  
Salt Lake City, UT 84111  
Tel: (801) 533-9800  
[djohnson@wnlaw.com](mailto:djohnson@wnlaw.com)  
[bfrandsen@wnlaw.com](mailto:bfrandsen@wnlaw.com)

*Attorney for Plaintiff Fit Four, LLC*